



Nonconforming Rights Application

Louisville Metro Planning & Design Services

Case No.: _____

Intake Staff: _____

Date: _____

Fee: NO FEE

Site Information:

Property Address(es): _____

Property Parcel ID(s): _____

Existing Zoning District: _____ Existing Form District: _____

Description of Nonconforming Use:

Please be as detailed as possible when describing the use and areas in which the use takes place

Please present evidence proving each of the following:

1. The use lawfully existed on the property prior to adoption, or amendment, of the zoning regulation that makes the use nonconforming:

2. The use existed continuously on the property since the time it became nonconforming, without an interruption of more than twelve (12) consecutive months:

3. The use has not been expanded, or relocated, on the property since the adoption of the zoning regulation that makes it nonconforming:

Contact Information:**Owner:** ☐ *Check if primary contact***Applicant:** ☐ *Check if primary contact*

Name: _____

Name: _____

Company: _____

Company: _____

Address: _____

Address: _____

City: _____ State: _____ Zip: _____

City: _____ State: _____ Zip: _____

Primary Phone: _____

Primary Phone: _____

Alternate Phone: _____

Alternate Phone: _____

Email: _____

Email: _____

Owner Signature (required): _____**Attorney:** ☐ *Check if primary contact***Plan prepared by:** ☐ *Check if primary contact*

Name: _____

Name: _____

Company: _____

Company: _____

Address: _____

Address: _____

City: _____ State: _____ Zip: _____

City: _____ State: _____ Zip: _____

Primary Phone: _____

Primary Phone: _____

Alternate Phone: _____

Alternate Phone: _____

Email: _____

Email: _____

Certification Statement: A certification statement **must be submitted** with any application in which the owner(s) of the subject property is (are) a limited liability company, corporation, partnership, association, trustee, etc., or if someone other than the owner(s) of record sign(s) the application.

I, _____, in my capacity as _____, hereby
representative/authorized agent/other

certify that _____ is (are) the owner(s) of the property which
name of LLC / corporation / partnership / association / etc.

is the subject of this application and that I am authorized to sign this application on behalf of the owner(s).

Signature: _____ Date: _____

I understand that knowingly providing false information on this application may result in any action taken hereon being declared null and void. I further understand that pursuant to KRS 523.010, et seq. knowingly making a material false statement, or otherwise providing false information with the intent to mislead a public servant in the performance of his/her duty is punishable as a Class B misdemeanor.

Additional Information:

Nonconforming Use Policy

If the property has been cited by the Division of Inspections, Permits, and Licenses for a violation related to the land use, this process shall not substitute for an appeal of the citation to the Board of Zoning Adjustment. This process is not intended to confer a legal right to a nonconforming use and decisions rendered under this process are subject to appeal to the Board of Zoning Adjustment pursuant to Kentucky Revised Statutes Section 100.257.

To meet the listed requirements, the applicant must provide documentation to substantiate the claim of nonconforming rights. Documentation includes, but is not limited to:

- Zoning maps from the time of commencement of the use to the present;
- A copy of the zoning regulations in effect at the time the use began;
- A copy of official documents for each year of the use's operation including, but not limited to, the following:
 1. The Certificate of Compliance from the Revenue Commission for each year of the use's operation showing the business name, or otherwise demonstrating on its face the existence of the use-continuous ownership of the property is not sufficient to demonstrate the existence of nonconforming rights*
 2. Copies of utility bills showing billing information for the use
 3. Copies of tax bills showing billing information for the use
- Copies of directory listings for each year of the use's operation (including telephone directories, Caron's/Polk's Directories, business association directories, Criss-Cross Directories, etc.)**
- Property Valuation Administration (PVA) records
- Three notarized affidavits from individuals attesting to their personal knowledge of the continuous, uninterrupted use of the property for the particular use in question. Affidavits, by themselves, will not suffice as the only evidence of existence for a nonconforming use; in other words, the applicant should submit other evidence along with notarized affidavits. Affidavits must contain specific information as to the affiant's knowledge of the use, and the basis for that knowledge.
- Other documents that substantiate the existence of a specific use, or structure on the property, such as newspaper articles or photographs
- Documentation should be provided back to the following year:
 - 1971 for property located within the original boundaries of the City of Louisville prior to merger.
 - 1943 for the remainder of Jefferson County prior to merger.

Planning & Design Services shall determine one of the following three conclusions:

1. *The nonconforming use rights have been established for the property.* If this is the conclusion, the property owner, or prospective property owner, is advised that any changes made to the use, or structure, shall result in a loss of nonconforming status. Any interested party can appeal the Planning & Design Services' determination to the Board of Zoning Adjustment pursuant to Kentucky Revised Statutes, Section 100.257.
2. *The nonconforming use rights have not been established for the property.* If this is the conclusion, the property owner, or prospective property owner, can appeal to the Board of Zoning Adjustment pursuant to KRS 100.257.
3. *No conclusion has been reached because of insufficient, or conflicting, evidence.* If this is the conclusion, the property owner, or prospective property owner, can provide additional documentation, or appeal the determination to the Board of Zoning Adjustment pursuant to KRS100.257.

If staff concludes that nonconforming rights exist, the property owner, or prospective property owner, Planning & Design Services shall issue a statement outlining the nonconforming rights. This statement must be recorded in the chain of title in the Office of the Clerk of Jefferson County, Kentucky to put others on notice of the establishment of nonconforming use.

* *In no case will official documents be accepted as proof where those documents do not specifically reference the use, either through the inclusion of a business name or type, or some other reference that identifies the actual use of the property. Continuous ownership of property does not imply continuous nonconforming use of the property.*

** *It is acknowledged that these directories are often compiled through voluntary participation, and that this often results in incomplete or incorrect information.*